

(5) (a) An applicant for a commodity dealer's ~~License~~ Bill No. SB 74

~~(i) that meets the conditions~~ CONDITION specified in ~~subsections (4) (b) and~~ SUBSECTION (4) (c) AND HAS MAINTAINED POSITIVE EQUITY but does not meet the condition specified in subsection (4) (a) shall provide the department with additional ~~bond~~ BONDING in the amount of \$2,000 for each \$1,000 or fraction of \$1,000 that the applicant's equity is less than \$50,000; AND

~~(ii) that meets the conditions~~ CONDITION specified in ~~subsections (4) (a) and~~ SUBSECTION (4) (c) but does not meet the condition specified in subsection (4) (b) shall provide the department with additional ~~bond~~ BONDING in the amount of \$2,000 for each \$1,000 or fraction of \$1,000 that the applicant's current liabilities exceed the applicant's current assets; or

~~(iii) THAT CANNOT OR CHOOSES NOT TO MEET THE REQUIREMENTS~~ OF SUBSECTIONS (4) (A), (4) (B), AND (4) (C) may, at the applicant's discretion AND WITH THE CONSENT OF THE DEPARTMENT, provide the department with a bond in the amount of 110% of the value of commodities the applicant or dealer intends to purchase during the term of the license or 110% of the value of commodities the dealer purchased during the preceding 12 months, whichever is greater. THE MINIMUM BOND IS \$20,000.

~~(b) An applicant or commodity dealer that provides a bond under subsection (5) (a) (i) or (5) (a) (ii) (5) (A) (III) is exempt from the bonding requirement in 80-4-604(2).~~

~~(c) If a commodity dealer posts a bond or equivalent under subsection (5) (a) (iii) and at any time has unpaid contracts that exceed 90% of the dealer's bond or equivalent, the dealer shall either pay off contracts of sufficient value or increase the bond amount so that the total value of the unpaid contracts is less than 90% of the bond or equivalent.~~